Supreme Court, U. S.
FILED
DEC 7 1976
MICHAEL RODAK, JR., CLERK

APPENDIX

Supreme Court of the United States

OCTOBER TERM, 1976.

No. 76-357.

LINMARK ASSOCIATES, INC. and WILLIAM MELLMAN,
Petitioners,

v.

THE TOWNSHIP OF WILLINGBORO and GERALD DALY,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

PETITION FOR CERTIORARI FILED SEPTEMBER 8, 1976
CERTIORARI GRANTED NOVEMBER 8, 1976.

International Printing Co., 711 So. 50th St., Phila., Pa. 19143 — Tel. (215) 727-8711

INDEX.

	Page
Relevant Docket Entries	A1
Petitioner's Complaint Filed July 24, 1974	A2
Respondent's Answer Filed August 20, 1974	A6
References to Following Proceedings in the U. S. District Court	A7
Transcript of Evidence at Trial	A7
Opinion, Fisher, J.	A7
Order for Judgment	A7
Notice of Appeal	A7
References to the Following Proceedings in the U. S. Court of Appeals for the Third Circuit	A8
Opinion, Markley, C. J.	A8
Opinion, Gibbons, C. J., Dissenting	A8
Judgment	A8
Denial of Rehearing	A8
Order Granting Certiorari	A9
Ordinance in Issue:	
Before Amendment	A10
Amendment	A23

RELEVANT DOCKET ENTRIES.

District Court.

July 24, 1974 Complaint.

Aug. 20, 1974 Answer.

Feb. 20, 1975 Opinion.

Mar. 6, 1975 Order for Judgment.

Mar. 24, 1975 Notice of Appeal.

Court of Appeals.

Apr. 28, 1976 Opinion.

Apr. 28, 1976 Judgment.

June 11, 1976 Rehearing denied.

IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

—

CIVIL ACTION No. 74-1120.

—

LINMARK ASSOCIATES, INC.
and WILLIAM MELLMAN,

Plaintiffs,

v.

THE TOWNSHIP OF WILLINGBORO,
and GERALD DALY,

Defendants.

COMPLAINT.

(Filed July 24, 1974)

Plaintiffs, Linmark Associates, Inc., a New Jersey corporation having a place of business at 529 Market Street, Camden, New Jersey, and William Mellman, of Mellman Realtors, having a place of business at 407 U. S. Highway No. 130, Cinnaminson, New Jersey, by way of Complaint against the defendants, say:

1. The jurisdiction of this Court is based upon 28 U. S. C. A. 1343(3), and the matter being an actual controversy within the jurisdiction of the Court, it is further brought pursuant to 28 U. S. C. A. Section 2201.

2. Plaintiff, Linmark Associates, Inc., is the owner of land and premises known as 25 Sherwood Drive, Township of Willingboro, Burlington County, New Jersey. These premises are presently listed for sale pursuant to a normal

brokerage listing agreement with plaintiff, William Mellman, of Mellman Realtors.

3. Plaintiff, William Mellman, of Mellman Realtors is a duly licensed real estate agent and brokerage firm engaged in the sale of real estate in the State of New Jersey, including the Township of Willingboro, Burlington County.

4. Defendant, Township of Willingboro, is a municipality of the State of New Jersey organized pursuant to the "Faulkner Act," N. J. S. A. 40:69a-1 et seq.

5. Defendant, Gerald Daly, is the building inspector of the Township of Willingboro, and is the Township official charged with the enforcement of the ordinance which is the subject matter of this litigation.

6. On March 18, 1974, the Township Council of the Township of Willingboro passed, on second reading, Ordinance No. 5-1974, which Ordinance amended Chapter 17 (Signs) of the Revised General Ordinance of the Township of Willingboro.

7. Ordinance No. 5-1974 amended Chapter 17 of the Revised General Ordinances of the Township of Willingboro by deleting Section 17-6.5 thereof.

8. Section 17-6.5 formerly provided for the placement on properties in a residential zone of signs pertaining to the lease, rental or sale of the premises on which they appeared, subject to specific regulations as to size, location on premises, and the time period during which that display was permissible.

9. The effect of the enactment of Ordinance No. 5-1974 is to unequivocally prohibit the placement of any signs pertaining to the lease, rental, or sale of the premises

upon any property in the Township of Willingboro by any person.

10. Said Ordinance thus prohibits the placement of a "For Sale" sign upon the premises owned by plaintiff, Linmark Associates, Inc., by Linmark Associates, Inc. personally, or by Mellman Realtors upon its own volition or at the request of Linmark Associates, Inc.

11. Ordinance No. 5-1974 is unconstitutional in that it deprives and infringes upon both plaintiffs' rights of free speech guaranteed to them under the First and Fourteenth Amendments to the Constitution of the United States and Paragraph 6 of Article 1 of the Constitution of the State of New Jersey.

12. Ordinance No. 5-1974 is further unconstitutional in that it denies plaintiffs of their property without due process of law in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States and Paragraph 20 of Article 1 of the Constitution of the State of New Jersey.

13. Ordinance No. 5-1974 is further unconstitutional in that it unlawfully discriminates against the plaintiffs and denies the plaintiffs due process and equal protection under the laws guaranteed to them by the Fourteenth Amendment to the Constitution of the United States.

14. Ordinance No. 5-1974 is further unconstitutional in that it denies to the plaintiffs their right to freely acquire, own and alienate property guaranteed to them by the Ninth and Fourteenth Amendments to the Constitution of the United States and Paragraph 1 of Article 1 of the Constitution of the State of New Jersey.

15. Ordinance No. 5-1974 is further unconsitutional in that it bears no relationship to the public health, safety

and welfare and is in derogation of the police power and an abuse of the enabling legislation under whcih it is promulgated.

16. Ordinance No. 5-1974 is unconstitutional in regard to plaintiff, Mellman Realtors, specifically in that it denies to plaintiff, Mellman Realtors, the constitutional right to pursue its lawful business guaranteed by the Ninth and Fourteenth Amendments to the Constitution of the United States.

17. Ordinance No. 5-1974 is unconstitutionally overbroad.

WHEREFORE, plaintiffs demand Judgment

A. Declaring Ordinance No. 5-1974 of the Township of Willingboro unconstitutional and void;

B. Preliminarily and permanently enjoining and restraining defendant, Gerald Daly, from enforcing said Ordinance;

C. Such other relief as the interests of justice require; and

D. Costs.

ARCHER, GREINER & READ,
Attorneys for Plaintiffs,
Linmark Associates, Inc. and
William Mellman.

[Caption omitted in printing. Same as Complaint.]

ANSWER.

(Filed August 20, 1974)

Defendants, the Township of Willingboro, a muncipal corporation of the State of New Jersey, and Gerald Daly, both with offices at the Municipal Complex, Salem Road, Willingboro, New Jersey, by way of Answer say that:

1. Defendants admit the allegations of jurisdiction contained in Paragraph 1 of the Complaint.

2. Defendants have insufficient information concerning the allegations of Paragraphs 2 and 3 of the Complaint, and leave Plaintiffs to their proofs.

3. Defendants admit the allegations of Paragraphs 4 through 10, inclusive.

4. Defendants deny the allegations of Paragraphs 11 through 17, inclusive.

FIRST SEPARATE DEFENSE.

The Constitutional guarantees of free speech are not applicable to a commercial situation which the present case involves.

SECOND SEPARATE DEFENSE.

The subject ordinance is a proper exercise of the police power and is reasonably related to the object sought to be obtained and is, thus, not a denial of due process.

THIRD SEPARATE DEFENSE.

The subject ordinance merely restricts the means of acquiring and alienating real property and do not preclude either.

KESSLER, TUTEK & GOTTLIEB,
Attorneys for Defendants.

REFERENCES TO PROCEEDINGS IN THE U. S. DISTRICT COURT.

The transcript of evidence at the trial in the U. S. District Court is printed in full in the Joint Appendix (filed as part of the record herein) in the Court of Appeals pages 14a to 128a of which contain the exhibits and pages 129a to 261a of which contain the transcript of hearing.

The opinion of Judge Fisher in the District Court is printed in full in the Petition For A Writ of Certiorari herein as Appendix B thereto.

The Order for Judgment is printed in full in the Joint Appendix (filed as part of the record herein) in the Court of Appeals at page 12a, as is the Notice of Appeal at page 13a.

REFERENCES TO PROCEEDINGS IN THE U. S. COURT OF APPEALS FOR THE THIRD CIRCUIT.

The opinion of Chief Judge Markey (majority) is printed in full in the Petition For a Writ of Certiorari herein as Appendix A (pp. 2 to 32).

The opinion of Chief Judge Gibbons (dissenting) is printed in full in the Petition For A Writ of Certiorari herein as Appendix A (pp. 33 to 55).

The Judgment in the Court of Appeals is printed in full in the Petition For A Writ of Certiorari herein as Appendix C, as is the denial of rehearing as Appendix D.

IN THE
SUPREME COURT OF THE UNITED STATES

—

No. 76-357

—

OCTOBER TERM, 1976

—

ORDER.

November 8, 1976

The petition for a writ of certiorari is granted.

SIGN ORDINANCE OF TOWNSHIP BEFORE AMENDMENT BY ORDINANCE NO. 5-1974.

(Admitted as P-1 in evidence)

CHAPTER XVII

SIGNS*

17-1 Regulation of the Erection and Maintenance of Signs.

17.1.1 *Definitions.* As used in this chapter, unless the context otherwise indicates, the following words and terms shall have the meanings given herein:

a. "Signs" shall mean and include every sign, billboard, ground sign, wall sign, roof sign, sign painted on the exterior surface of a building structure, illuminated sign, projecting sign, temporary sign, flag, pennant and badge, and shall likewise include any announcement declaration, demonstration, display illustration or insignia used to advertise or promote the interest of any person, firm or corporation when the same is placed either indoors or out of doors in such a way that the same is in view of the general public.

b. "Sign" shall not mean or include any flag, badge or insignia of any public, quasi-public, civic, charitable or religious group, nor shall it mean or include the flags of the United States of America or the State of New Jersey.

c. "Sign area" or "area of sign" shall mean and refer to the area included within the edges of the sign or within the outer edges of any frame attached thereto, whichever is greater. Where the sign has no clearly defined frame

* The power to regulate signs is derived from the general power to adopt local police ordinances of all kinds, contained in the Charter, R. S. 40:69A-29, 30.

or edge, the "sign area" or "area of a sign" shall be defined by and in terms of the four sides (straight sides) which most closely outline such sign or frame. In no case, however, shall the area of the frame exceed 25 per cent of the total "sign area" or "area of the sign." All signs attached to the outside windows or permanently attached to the inside of windows or glass or the inside of the building in such a way as to be placed within three feet of said windows or glass shall be considered as a part of the total allowable sign area for any structure or use. Furthermore, no combination of permanent signs or temporary signs as defined in this chapter, whether inside or outside of the structure in question, shall cover more than 50 per cent of the glass area of any structure up to a height of six feet.

d. "Side." Where a sign is applied or attached to any facade of a brick or masonry wall which comprises a part of an integral and decorative entrance or gateway from a public highway, street, or road, which entrance is at least six feet wide, each such facade shall be considered one side of a single sign, notwithstanding the fact that such walls may be structurally independent and separate.

17-2 Legality.

Signs may be erected and maintained in the Township of Willingboro only when the same comply with the provisions of this chapter, and it shall be unlawful to erect or maintain any sign at any place within the said Township of Willingboro when the same does not comply with the provisions of this chapter.

17-3 Permit Required.

No sign which exceeds two square feet in area nor any sign of any size which would cover up to 50 percent

of glass area of part of the interior-exterior of a structure shall be erected, maintained, removed, altered or repaired until a permit for the same has been issued by the department of inspections.

17-3.1 *Application for Fermit.* The aforementioned permit shall be issued only upon a written application for the same directed to the township building inspector. Said application shall contain the following information.

a. The name, address and telephone number of the applicant.

b. The location of the property upon which the sign is to be situated.

c. The position of the sign in relation to nearby buildings and structures.

d. The name of the person who will erect, maintain, remove, alter or repair the sign.

e. Such other information as shall be necessary, in the opinion of the township building inspector, to assure under the circumstances full compliance with this chapter and all other ordinances of the township.

f. No person, partnership, corporation or business entity shall erect, construct, maintain or alter or cause to be erected, constructed, maintained or altered any signs unless a permit for same has been issued by the building inspector. No artisan, mechanic or contractor shall perform any work requiring a sign permit unless he has first satisfactorily determined that such a permit has, in fact, been issued for such work. Any such artisan, mechanic or contractor who performs any work for which such a permit has not been issued, shall be deemed in violation of this chapter and shall be subject to the penalties set forth in section 3-1.

17-4 Fees.

17-4.1 *Application Fee.* Each application shall be accompanied by a fee of ten ($10.00) dollars, except for those signs which are authorized and permitted pursuant to subsections 17-6.3 and 17-6.5 or pursuant to section 17-9 of this chapter.

17-4.2 *Licensing Fee.* In addition to the aforementioned application fee, there shall be an additional annual licensing fee of five ($5.00) dollars payable on the second day of January of each calendar year for each sign permitted to exist in a business or industrial zone by the terms of this chapter.

17-5 Appeals.

All appeals from the denial of the aforesaid permits shall be processed by and before the Willingboro Township zoning board of adjustment according to the procedures set forth in the appropriate ordinance governing said body.

17-6 Residential Zones.

The following signs are permitted in those areas of the Township of Willingboro which have been zoned for residential use.

17-6.1 *Nameplate or Identification Signs.* Nonilluminated nameplate and/or identification signs which indicate the name and/or street number of the principal occupant of the premises and which do not exceed 72 square inches in total area. Said signs shall be in all cases situated within the property lines and only one such sign per dwelling unit shall be permitted.

17-6.2 *Professional Signs.* Professional signs bearing the name of the professional person residing on the prem-

ises and identifying his profession which do not exceed 240 square inches in area. Not more than one such sign is to be placed upon any property without the written permission of the township building inspector.

17-6.3 *Non-Business Usage.* Signs advertising a use in a residential zone, such as a clubhouse, a church, a school, a hospital, a branch of the municipal government or a similar public or quasi-public building devoted to a non-profit use, but not including any activity of a retail business nature, provided that said sign is located on the same premises as the use it advertises. No such sign shall exceed 64 square feet on any one side, and no more than two such signs may be placed upon any property.

17-6.4 *Specific Recreational Activities.* Signs advertising a golf course, country club, private swimming club, marina, tennis court, equestrian trail, private stable or related open area, provided that such sign is located on the same premises which it advertises. No such sign shall exceed 64 square feet on any one side, and no more than two such signs will be placed upon the property.

17-6.5 *Rental Signs.* Signs pertaining to the lease, rental or sale of the premises on which they appear, subject to the following conditions:

a. The size of the sign shall not exceed eight square feet in area.

b. The sign shall be located upon the premises to which it pertains and shall not project beyond the property line of such premises.

c. Such signs shall be removed within five days after the execution of any lease, rental agreement or agreement of sale for the premises in question by the occupant of the premises and/or the owner of the sign.

d. Not more than two such signs are to be placed upon any property.

17-6.6 *Height Limitation.* No sign permitted in a residential zone pursuant to the provisions of this section shall exceed ten feet in height as measured from the adjacent grade level.

17-7 Business and Industrial Zones.

The following signs are permitted in those areas of the Township of Willingboro which have been zoned for business and/or industrial use:

17-7.1 *Specified Residential Zone Signs.* Any sign permitted to exist in a residential zone under the provisions of section 17-6 preceding.

17-7.2 *Illuminated or Non-Illuminated Business Signs.*

a. Illuminated or non-illuminated business signs which shall be applied or attached to the facades of a building and which shall not project more than 15 inches from the facade on which or in front of which it is displayed, nor extend above the uppermost edge of such facade.

b. Where a permanent structure comprises an integral and decorative part of the total design of a building or shopping center site approved by the township planning board, an illuminated or non-illuminated business sign may be attached to the facade of the structure, provided that it does not project more than 15 inches from the facade on which or in front of which it is displayed, nor extend above the uppermost edge of the facade.

c. One exterior business sign shall be permitted to be applied or attached to a facade of any building or structure employed for any permissible business or industrial

use if there is located within said facade a customer entrance to said building which is at least six feet wide, but the size of each said sign shall in no event exceed in area 15 per cent of the over-all area of the facade of the building on which said sign is displayed.

17-7.3 *Free Standing Signs.* Free standing signs shall be permitted but only if erected on the same premises on which the business to which they refer is conducted. Such signs shall likewise conform to the following provisions relating to their number and size.

a. In a shopping center or industrial park there may be one directory sign at any location therein which shall not exceed five square feet on one side for each acre of land in such shopping center or industrial park and at each point of entrance and exit for vehicular traffic shall not exceed two square feet on one side for each acre of land in such shopping center or industrial park. In the interior of a shopping center or industrial park, containing more than one building, there may be one directory sign not exceeding eight square feet on one side for each building unit therein.

b. In a shopping center having walkways roofed over with a permanent rigid canopy or other such structural device, there may be one illuminated or non-illuminated sign for each structure or occupant in such shopping center, hanging from the underside of the canopy and not exceeding eight square feet on one side.

c. In all other business and industrial areas there may be not more than three free standing signs, the combined areas of which shall not exceed 64 square feet on any one surface. For purposes of this chapter, a free standing sign shall be limited to two parallel advertising surfaces attached to each other and each having the same area, which shall not exceed 64 square feet on any one surface.

d. No free standing sign shall be erected in the Township of Willingboro which exceeds a height of 25 feet.

e. Off-premises free standing directional signs along U. S. Route 130 or any main (i.e., major) arterial streets or roads which intersect U. S. Route 130 and are in a primary business zone for the uses specified under subsections 17-6.3 and 17-6.4 hereof, not to exceed two in number for any such use and not to exceed 64 square feet on any one side.

f. In any area in which such a sign is permitted to be erected or to exist, all refuse and papers shall be kept constantly removed from the ground spaces at least five feet in all directions around the sign, and vegetation shall be kept trimmed so as not to exceed a height of six inches.

17-8 Traffic Signs.

Free standing traffic directional signs which are necessary to control and regulate the movement of traffic on the interior roadways and in the parking areas of the community may be erected; provided, however, that the number and location of such signs have been recommended by the township manager and approved by the planning board as part of a detailed site plan for the area or premises in question; and provided, further, that the signs in question are deemed by the township manager to be essential to traffic safety. Such signs, where permitted, shall not exceed four square feet in area and shall not exceed a height of ten feet, except that when such directional signals are located at any point of entrance or exit vehicular traffic in a shopping center or industrial park, this section shall not apply.

17-9 Township Limit Signs.

Official munipical signs designating the corporate limits of the Township of Willingboro may be erected, but the same shall not exceed 64 square feet on one side.

17-10 Temporary Signs.

17-10.1 *Model Homes.* The township building inspector shall be and hereby is empowered to issue permits for the erection of the following temporary free-standing signs pertaining to the sale and advertisement of model homes within the township in accordance with the requirements and standards hereinafter specified:

a. On-premises signs not to exceed three in number for each model home, none of which shall exceed eight square feet in area on any one side.

b. Signs, not to exceed two in number, within 100 feet of an entrance to or exit from a model home site, neither of which shall exceed 64 square feet in area on any one side.

c. Off-premises free standing signs along U. S. Route 130 or any main (i.e., major) arterial streets or roads which intersect with U. S. Route 130 and which are in a primary business zone, not to exceed two in number for any model home site, neither of which shall exceed 64 square feet in area on any one side for each model located in the model home site to which it pertains, and in no event to exceed a total of 300 square feet per sign.

d. Directional signs along main (i.e., major) arterial streets or roads not to exceed more than one sign on either side of the road, per each 1,000 linear feet, none of which shall exceed 16 square feet in area on any one side, nor be located nearer than 100 feet to any existing building

or other occupied structure, unless suitably landscaped with dense shrubbery so as to completely shield such sign from any dwelling or structure.

e. None of the foregoing signs set forth in any portion of this subsection shall be erected more than 30 days before the actual opening of the model home or model homes to which they pertain, and each and every such sign must be moved by the applicant or by the owner of the property upon which the same were erected within five days after the closing of any such model home or model homes. In order to insure a prompt removal in the latter event, the building inspector may require as a condition of the granting of any such temporary sign permit a bond, cash deposit or other performance guarantee, in an amount adequate to cover all costs incident to the removal of the same by the township, in such form as shall be satisfactory to the township attorney.

17-10.2 *Construction Sites.* The building inspector shall be and hereby is empowered to issue permits for temporary signs at a construction site which list the contractors, architects and other professional persons associated with said construction project. The maximum size of any such sign shall be 64 square feet and said sign must be removed within three weeks after the building is occupied by either the occupant of the property or the owner of the sign.

17-10.3 *Special Sales.* The department of inspections shall be and hereby is empowered to issue permits for temporary signs designed to promote special sales or other special promotion activities within the community. Each applicant shall be permitted to erect only one such sign on each permit granted and the sign shall not exceed 32 square feet in area. No more than four of the permits may

be issued to any one person, firm or corporation during any calendar year, unless the person, firm or corporation maintains more than one business location in the township. No sign erected pursuant to a permit issued under this section may be lawfully maintained for any period in excess of two weeks from the date on which the permit is issued. The permit fee for all signs issued pursuant to this paragraph shall be two ($2.00) dollars, rather than the permit fee prescribed for all other signs by section 17-4 of this chapter.

17-10.4 *Special Events.* The building inspector shall be and hereby is empowered to issue permits for the erection of temporary signs for and in connection with other special events in the community. Any such sign shall be removed by the applicant or by the owner of the property upon which the same is erected within five days after the event in question has taken place.

17-11 General Provisions.

In addition to the foregoing provisions, the following regulations shall govern the erection, placement and removal of signs in the Township of Willingboro.

17-11.1 *Flashing Signs.* No flashing, moving or reflective signs of any type may be erected anywhere within the corporate limits of the Township of Willingboro.

17-11.2 *Obstruction of Traffic Signals.* No signs shall be so placed as to impede or interfere in any way with the operation of a traffic light, traffic directional signal or general traffic vision.

17-11.3 *Relation of Signs to Business on Premises.* In order to preserve the basically residential character of this community and to facilitate the improvement of its business and industrial areas in a safe and orderly manner, no

commercial outdoor advertising signs, billboards or other signs which are not expressly and directly related to the business being conducted on the premises on which they are located and which are not expressly validated elsewhere in this chapter shall be permitted, and all such signs, as well as all other signs which do not conform to the specific requirements and standards set forth in this chapter, are specifically prohibited.

17-11.4 *Removal of Signs.* Any sign now or hereafter existing which no longer advertises a bona fide business being conducted on the premises shall be removed from said premises by the owner of record or beneficial user of the premises within ten days from the receipt of a written order to do so from the township building inspector. In default of said removal, the township manager is authorized to effectuate the removal of said sign and to charge all costs incident to the same to either the owner of record or the beneficial user of the premises, or to both, provided that there shall be no duplication of the payment of said costs.

17-11.5 *General Welfare.* If at any time the township manager shall determine that any sign in the Township of Willingboro constitutes a menace to the health, safety, morals or general welfare of the community, he shall notify the record owner and the beneficial user of the premises on which said sign is located by serving a written notice upon him, together with a written notice of demand that the condition be remedied within ten days from the receipt of said notice and demand. If the condition is not so remedied, the township manager shall undertake the necessary steps to rectify the same, charging all the costs incident to said efforts to either the record owner or the beneficial user of the premises, or both, provided that there shall be no duplication of the payment of said costs.

17-12 Non-Conforming Signs.

Any presently existing sign which was legally erected and legally maintained under the terms of the ordinance regulating the same in effect at the time of its erection but which does not conform to the provisions of this chapter may continue to exist at its present location, but said sign shall not be altered, rebuilt, enlarged or extended unless such action is directed at and does, in fact, effect the creation of a conforming use.

The failure to keep a non-conforming sign in good repair for a period of one year shall constitute an abandonment of the same, and said sign will then be removed by the township building inspector.

ORDINANCE NO. 5-1974.

(Admitted as P-2 in evidence)

NOTICE
TOWNSHIP OF WILLINGBORO
ORDINANCE NO. 5, 1974

AN ORDINANCE TO AMEND CHAPTER 17 (SIGNS) OF THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF WILLINGBORO

BE IT ORDAINED by the Township Council of the Township of Willingboro, as follows:

SECTION 1. Section 17-6.5 of the Revised General Ordinances is hereby repealed.

SECTION 2. Section 17-6.6 of the Revised General Ordinances shall be renumbered to be Section 17-6.5.

SECTION 3. All Ordinances or parts of Ordinances inconsistent with the provisions hereof are, to the extent of such inconsistency, hereby repealed.

SECTION 4. This Ordinance shall take effect upon final adoption and publication in the manner prescribed by law.